IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

AGIS SOFTWARE DEVELOPMENT LLC Plaintiff, v. GOOGLE LLC Defendant.	CIVIL ACTION NO. 2:19-cv-00361-JRG **Filed Under Seal**

DECLARATION OF KEITH MCCALLION

I, KEITH MCCALLION, declare and state as follows:

1. I am a Director in the Network Operations group at Google LLC ("Google"). I work at Google's offices in Sunnyvale, California. I have been a Google employee since June 20, 2011.

2. I provide this declaration in support of Google's Motion to Dismiss for Improper Venue. I submit this declaration based on my personal knowledge and current understanding of the facts discussed herein, as informed by my experience in Google's Network Operations group.

3. Google Global Cache ("GGC") servers are part of a tiered network that Google developed to deliver content to Internet users. The core of this tiered network is Google's data centers, which provide computation and backend storage. Google has a handful of data centers in the United States, none of which are in Texas.

4. The next tier of Google's network infrastructure is known as Edge Points of Presence ("PoPs"), which connect Google's network to the rest of the Internet and cache certain Google data. Google has no PoPs in the Eastern District of Texas.
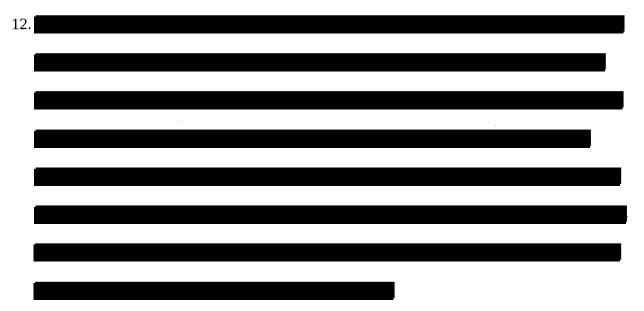
5. The last tier of the network are the GGC servers, which are also sometimes referred to as "edge nodes." GGC servers are used to temporarily cache static data, such as portions of YouTube videos. GGC servers cannot operate independently of a Google data center and GGC servers are not necessary for the delivery of Google content.

6. GGC servers are standard servers manufactured by a third party, which are hosted by Internet Service Providers ("ISPs") in physical locations owned by the ISPs, not by Google. If an ISP chooses to host a GGC server, then a copy of certain digital data that is popular with the ISP's subscribers can be temporarily stored or "cached" on that GGC server. This allows that data to be provided to the ISP's subscribers without the need to fetch the data from outside the ISP's network and use up medium or long-haul network capacity to do so.

7. The GGC servers previously hosted by ISPs in the Eastern District of Texas represented a fraction of one percent of Google's total serving capacity in the U.S.

8. I am not aware of any Google employees installing, physically maintaining or accessing GGC servers that were in the Eastern District of Texas at any point.

9. Google's standard process for GGC servers is that the ISPs have control over where to locate the GGC servers, and the ISPs are responsible for physically installing them. GGC servers are off-the-shelf computers that are manufactured by third party computer manufacturers and are also typically shipped to the ISPs by third parties. After receiving the GGC servers, the ISP unpacks, locates, installs, and hosts them in its own facility.

10. Google does not own, lease or control the space where the GGC servers are kept. Google does not have rights to physically access the spaces in which the GGC servers are stored while

its service agreements with the ISPs are in force. No Google employee has ever seen or visited the servers in the Eastern District of Texas.

11. Google has a contractual relationship with the ISPs in connection with the GGC servers, and Google provides remote support for the GGC servers. Google's remote support is provided from various locations, but none of those locations are within Texas. The contracts also permit the ISPs to move the servers to different locations, after securing Google's consent, without terminating the agreement.

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13. On November 23, 2018, the GGC servers located in the Eastern District of Texas were "drained" and therefore no longer cached any data. After the GGC servers were drained, there was no interruption in the delivery of Google content to users.

I declare under penalty of perjury that to the best of my knowledge the foregoing is true and correct. Executed on February 13, 2020, in Sunnyvale, California.

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Keith McCallion